

James A. Saville

From: Jeff Asperger [jasperger@asplaw.net]
Sent: Tuesday, May 03, 2005 3:01 PM
To: Robert G. Clyne; Jeff Asperger; Whitman, M. Hamilton Jr.
Cc: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville
Subject: RE: Tate & Lyle: remaining discovery

So what. If the court grants any extension, which it has indicated it intends to do, we will not have to scramble to complete the depositions if we have dates set aside. If no extension is given, we simply do not proceed with the depositions. There are lots of schedules to coordinate with summer vacations and such. Has this come to the point where we cannot agree to cooperate to get discovery done? Your choice.

-----Original Message-----

From: Robert G. Clyne [mailto:RClyne@hillrivkins.com]
Sent: Tuesday, May 03, 2005 12:51 PM
To: Jeff Asperger; Whitman, M. Hamilton Jr.
Cc: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville
Subject: RE: Tate & Lyle: remaining discovery

There was no agreed order.

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-----Original Message-----

From: Jeff Asperger [mailto:jasperger@asplaw.net]
Sent: Tuesday, May 03, 2005 1:50 PM
To: 'Whitman, M. Hamilton Jr.'; Robert G. Clyne; Jeff Asperger
Cc: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville
Subject: RE: Tate & Lyle: remaining discovery

I am presuming that the court will enter the agreed order as requested, and I don't believe we should wait to schedule this discovery given how busy we all are. Tony, you indicated you have a difficult schedule. So do I. Is there a problem with talking about dates now? Thanks.

Jeff

-----Original Message-----

From: Whitman, M. Hamilton Jr. [mailto:mhwhitman@ober.com]
Sent: Tuesday, May 03, 2005 10:59 AM
To: Robert G. Clyne; Jeff Asperger
Cc: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile

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Grigaitis; James A. Saville
Subject: RE: Tate & Lyle: remaining discovery

Nor have I.

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Sent: Tuesday, May 03, 2005 11:51 AM
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What time limits are we talking about that have been set by the court? I have not seen an order.

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-----Original Message-----

From: Jeff Asperger [mailto:jasperger@asplaw.net]
Sent: Monday, May 02, 2005 8:47 PM
To: 'Whitman, M. Hamilton Jr.'
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Subject: Tate & Lyle: remaining discovery

Tony and folks,

I propose the week of June 13 for the depo of Heiner Popp and our wire rope expert, Mike Parnell. The latter part of the week would work best. Please advise so that we can complete this discovery within the time limits set by the court. I will

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check dates with Mr. Parnell and follow up if you would advise of the availability of Capt. Popp. Thanks.

Jeff

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